

Entered - 01/02/01 - sb
CL01L0006 - DIANNE C. MITCHELL

CLAIM OF: **CALLIE HILL,**
through her attorney,
Lamonte E. Scott
P. O. Box 812
Atlanta, Georgia 30301

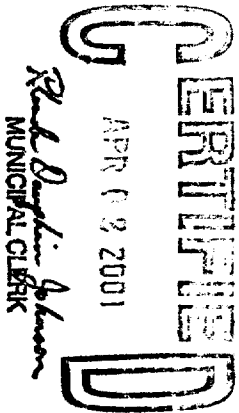
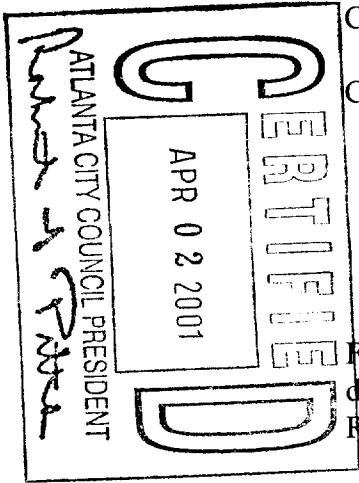
01-R-0513

For damages alleged to have been sustained as a result of property
damage due to a sewer back up on September 21, 2000 at 111
Rockyford Road.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED APR 02 2001



ADVERSED REPORT

CITY P.S.L.A.

3/27/01
✓ *Clara Wilson*
Sherry Dorey
Michael P. [unclear]
[unclear]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

April 18, 2001

Lamont E. Scott
Attorney at Law
P.O. Box 812
Atlanta, GA 30301

01-R-0513

RE: Callie Hill

Dear Mr. Scott:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on April 02, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **01L0006**

Date: March 15, 2001

Claimant /Victim CALLIE M. HILL
 BY: (Atty) Lamonte E. Scott
 Address: P. O. Box 812, Atlanta, Georgia 30301
 Subrogation: Claim for Property damage \$ 16,649.00 Bodily Injury \$
 Date of Notice: 12/29/00 Method: Written, proper X Improper
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
 Date of Occurrence 09/21/00 Place: 111 Rockyford Road
 Department Public Works Division: Sewer Operations
 Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her property was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems with the sewer line prior to the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ X _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse ☒ Account charged: 1A01 _____ 2J01 _____ 2H01 _____
 Claims Manager: *[Signature]* Concur/date 03-15-01
 Committee Action: _____ Council Action _____

M Hill
01/04/01

December 18, 2000

Municipal Clerk
Council of the City of Atlanta
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

ENTERED -
0110006 - DIANNE MITCHELL

COPY

Re: Claim for Damages
For Callie M. Hill et al.

Dear Municipal Clerk:

I have been retained as legal counsel to represent Mrs. Callie Hill in a loss claim she and her family sustained on September 21, 2000. Mrs. Hill's home was flooded with raw sewage and rain water as a result of a faulty Atlanta sewer line which overflowed. Mrs. Hill and her elderly mother had to be rescued by the Atlanta Fire Department because her home was flooded. Several other homes in her neighborhood were flooded as well. Subsequent to the incident, Mrs. Hill spoke with someone in your office who advised they would send her a claim form but she never received it. Unfortunately Mrs. Hill's insurance coverage did not cover flood damage therefore she has sustained a substantial loss of personal property and extensive water damage to her home. Enclosed with this letter is an original claim form signed by Mrs. Hill. Please have someone from your staff to contact me as soon as possible referencing Mrs. Hill's claim for damages.

Please note that Mrs. Hill's home is in pretty bad condition since the water has left a mildew odor in her home and caused extensive water damage to ground level cabinets, carpets, furniture, clothing, curtains and other items. I look forward to an expedient and amenable settlement of this matter.

Sincerely,

Lamonte E. Scott, Esq.

LES/gbs

Enclosure

cc:
Callie M. Hill

**COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK**

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: December 18, 2000

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 16,649 (Estimated) property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 09/21/00 2. Time of Incident: 12 noon 3. Police called: Yes X
(month/day/year)

4. Location of incident (including street address): 111 Rockyford Road, Atlanta, GA 30317

5. Name of your insurance company: State Farm Policy No. _____

6. State what and how incident occurred: City sewer spewed raw sewage and water into my home and into several other homes in my community. Caused extensive water damage inside of my home. Fire Department had to come in to rescue occupants of my home. I was told that the City had not properly maintained the sewer in the area causing it to back up during a heavy rain and flooding several homes in my neighborhood.

7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

Callie M. Hill
Signature of Claimant

Callie M. Hill

(Print Claimant's Name)

111 Rockyford Road

(Address)

Atlanta, GA 30317

(City, State and Zip Code)

(404) 373-2029

(Work Number)

(Home Number)

01-R-0513

RCS# 2775
4/02/01
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0345
01-O-0526
01-R-0541

CONSENT

04/02/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED
ON CONSENT AGENDA**

33. 01-R-0509
 34. 01-R-0510
 35. 01-R-0511
 36. 01-R-0512
 37. 01-R-0513
 38. 01-R-0514
 39. 01-R-0515
 40. 01-R-0516
 41. 01-R-0517
 42. 01-R-0518
 43. 01-R-0519
 44. 01-R-0520
 45. 01-R-0521
 46. 00-R-1361
-